

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

-V-

Case No.: 12-Cr-00120
HON. RICHARD J. SULLIVAN

**RAWSON EDWARD WATSON,
NICOLAS EPSKAMP, and
NAYEF MAHMOUD FAWAZ,**

**REPLY IN SUPPORT
MOTION FOR CONTINUANCE
MOTION CUT OFF**

Defendants.

**DEFENDANT FAWAZ'S REPLY IN SUPPORT OF
DEFENDANT'S MOTION FOR
CONTINUANCE OF MOTION CUT OFF DATE**

NOW COMES, Defendant, by and through Nabih H. Ayad, of Nabih H. Ayad & Associates P.C. and respectfully submits the following reply:

1. In response, the Government objects to Defendant's Motion based upon the Government's belief that Defendant has had ample time to review the discovery material. ("...it seems unlikely that a continuance would be warranted given the amount of time that Fawaz has had to contemplate and prepare motions in this case").
2. In the present case, Defendant has not had adequate time to review the discovery as demonstrated by the following time line:
 - a. Counsel filed his appearance on September 19, 2012; a mere seven (7) days before the Motion Cut Off date set by the Court. [Dkt. 18].
 - b. On the same day, prior Counsel Shroff sent the discovery by first class mail.
(Exhibit A: Mailing Receipts).

NABIH H. AYAD & ASSOCIATES P.C.
LAW OFFICES
2200 Canton Center Road, Suite 220
CANTON, MICHIGAN 48187
(734) 983-0500

LAW OFFICES
NABIH H. AYAD & ASSOCIATES P.C.
2200 Canton Center Road, Suite 220
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(734) 983-0500

- c. By September 21, 2012 Counsel had not yet received the package and wrote Shroff a correspondence informing her of the same. (**Exhibit B: Correspondences**).
 - d. On September 24, 2012 Shroff responded and agreed to resend the discovery if it were not received that day.
 - e. On September 24, 2012 this office received, for the first time, discovery disclosures for the present case. (**Exhibit B**). Defendant's first exposure to the discovery material in this case came a mere five (5) business days before the Motion Cut Off date.
 - f. In fact, Defendant recently received new discovery yesterday on October 1, 2012. (**Exhibit A**).¹
3. In summary, Defendant's initial exposure to this discovery came a mere five (5) days before the Motion Cut Off date with additional, and pertinent discovery, received on the Motion Cut Off date itself.
4. While the discovery materials themselves are not overly complicated, they do contain hours of audio surveillance recordings; some of which are in a foreign language.
5. In fact, it seems that Parties were working on a Stipulation to address this very issue. (**Exhibit C: Proposed Stipulation**). Contained within the discovery is an unsigned stipulation to turn over transcripts of the subject audio recordings. Due to Counsel's recent appearance on the case, the outcome of this stipulation is not known other than that present counsel has not received transcribed audio recordings from the government.

¹ Mailed 9/25/12, delivered over the weekend, and received on Monday October 1, 2012.

LAW OFFICES
NABIH H. AYAD & ASSOCIATES P.C.
2200 Canton Center Road, Suite 220
CANTON, MICHIGAN 48187
(734) 983-0500

6. Given the recent appearance of counsel, the comparatively late-in-the-game production of discovery, the continuing production of discovery, and the barriers caused by the foreign language recordings, it would be manifestly unfair to Defendant to prepare meaningful Motions under the present deadline.
7. Finally, the Government has not, and could not possibly argue, that they will be prejudiced by extending the subject deadlines. Therefore, comparing the relative equities, Defendant respectfully submits that a continuance of sixty (60) days will best serve the interests of justice.

WHEREFORE, Defendant respectfully requests that this Honorable Court grant Defendant a continuance of time to file his Motions and adjusts all subsequent dates as the Court sees fit.

Respectfully submitted,

NABIH H. AYAD & ASSOCIATES, P.C:

Dated: October 2, 2012

By: /s/ Nabih H. Ayad
Nabih H. Ayad (P-59518)
Attorney for Defendant
2200 Canton Center Rd., Suite 220
Canton, MI 48187
Phone: (734) 983-0500
Fax: (734) 983-0520
Email: ayadlaw@hotmail.com

CERTIFICATION OF SERVICE

I hereby certify that on October 2, 2012, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

WILLIAM G. KANELIS
william.kanellis2@usdoj.gov

I further certify that I have mailed by U.S. mail the paper to the following non-ECF participants:

None

/s/NABIH H. AYAD
Nabih H. Ayad (P-59518)
Attorney for Defendant

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CANTON, MICHIGAN 48187
(734) 983-0500